



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/551,253 | 09/28/2005 | G Eric Engstrom | 109909-145060 | 1797 |
| 25943 | 7590 | 05/26/2006 | EXAMINER | |
| SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204 | | | NGUYEN, HUNG T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/551,253

Applicant(s)

ENGSTROM ET AL.

Examiner

HUNG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/23/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because applicant provides the PCT WO 2004/091107 which is not acceptable, applicant must provide a new abstract with a label as 10/551,253. Correction is required. See MPEP § 608.01(b).

2. Under the Related Application, pages 1-2 of the Specification and Continuing Data of Bib Data Sheet must be the same data information.

Therefore, all of data information under the Related Application, pages 1-2 of the Specification must be deleted and insert --This application is a 371 of PCT/US04/09987 filed on 04/01/2004 which claims benefit of 60/459,875 filed on 04/01/2003.-- as provided by the applicant in the Continuing Data of Bib Data Sheet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 & 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (U.S. 6,236,326).

Regarding claim 1, Murphy discloses a mobile communication device / wireless telephone [fig.1, col.2, lines 44-62] comprising:

- at least component as a battery device (26) is used in the mobile device which having battery monitor circuit (25) to detect a low battery signal / battery running out of energy / battery failure [figs.1-2, col., col.3, lines 48-57 and col.4, line 63 to col.5, line 12];
- a logic in a form of a controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claims 2-3, Murphy discloses the controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claims 5-6, Murphy discloses the controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded

message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claim 7, Murphy discloses the controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) and the subscriber may set / program his wireless telephone such that calls are forward to another predetermined telephone number such as his office number when the battery from his wireless telephone is failed / out of charge [figs.1-2, col.2, lines 15-23, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claims 8-9, Murphy discloses the controller unit (27) communicates with voice data control circuit (23) , the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) and the subscriber may set / program his wireless telephone such that calls are forward to another predetermined telephone number such as his office number when his

Art Unit: 2612

wireless telephone's battery is failed / out of charge [figs.1-2, col.2, lines 15-23, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claims 10-11, Murphy discloses the mobile communication device / wireless telephone is used to communicate with friends, relative, family or for his business [fig.1, col.1, lines 7-19].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,236,326) in view of Layson Jr. (U.S. 5,731,757).

Regarding claim 4, The reference of Murphy does not specifically mention the communication device having a motion sensor for detecting the change in altitude as claimed by the applicant.

However, Layson, Jr. teaches an attitude indicator and activity monitoring device (12,20) having a motion / position sensor for detecting the acceleration of an object is

Art Unit: 2612

changed which could be used in a cellular phone or wireless communication [fig.6A, col.4, lines 7-13 and col.6, lines 6-16].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Layson, Jr. in the system of Murphy to detect the mobile communication having experienced a rapid changed in altitude position.

7. Claims 12-18 & 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,236,326) in view of Snell (U.S. 5,383,091).

Regarding claim 12, Murphy discloses a mobile communication device / wireless telephone [fig.1, col.2, lines 44-62] comprising:

- at least component as a battery device (26) is used in the mobile device which having battery monitor circuit (25) to detect a low battery signal / battery running out of energy / battery failure [figs.1-2, col., col.3, lines 48-57 and col.4, line 63 to col.5, line 12];
- a logic in a form of a controller unit (27) communicates with voice data control circuit (23) , the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29].

The reference of Murphy does not specifically mention the communication device / wireless telephone includes an interchangeable cover as a cover body as claimed by the applicant because that is minor thing and that is not primary subject of the invention.

Furthermore, Snell teaches a handheld electronic telecommunication device is provided with a grip and protective casing (20) which covers front face and a back face to prevent scratching of the telephone device [figs.4,6, col.2, lines 23-61 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Snell in the system of Murphy to protect or secure the telephone device from scratching or damaging and serving cushion the telephone impact when it set down or dropped.

Regarding claims 13-14, Murphy discloses the controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claims 15-17, Murphy discloses the controller unit (27) communicates with voice data control circuit (23), the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is

Art Unit: 2612

about to be terminated due to depletion of the wireless telephone's battery pack (26) and the subscriber may set / program his wireless telephone such that calls are forward to another predetermined telephone number such as his office number when his wireless telephone's battery is failed / out of charge [figs.1-2, col.2, lines 15-23, col.4, lines 29-44 and col.5, lines 13-29].

Regarding claim 18, Murphy discloses the mobile communication device / wireless telephone is used to communicate with friends, relative, family or for his business [fig.1, col.1, lines 7-19].

Regarding claim 20, Snell discloses the protective casing (20) which covers front face and a back face to prevent scratching of the telephone device in the form of U-shaped is cited in figs.1,4 & 6.

Regarding claim 21-22, Snell discloses the protective casing (20) which covers front face and a back face to prevent scratching of the telephone device or damaging and serving cushion the telephone impact when it set down or dropped [figs.4,6, col.2, lines 23-61 and abstract].

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,236,326) in view of Snell (U.S. 5,383,091) further in view of Layson Jr. (U.S. 5,731,757).

Regarding claim 19, Both Murphy & Snell do not specifically mention the communication device having a motion sensor for detecting the change in altitude as claimed by the applicant.

However, Layson, Jr. teaches an attitude indicator and activity monitoring device (12,20) having a motion / position sensor for detecting the acceleration of an object is changed which could be used in a cellular phone or wireless communication [fig.6A, col.4, lines 7-13 and col.6, lines 6-16].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Layson, Jr. in the system of Murphy & Snell to measure & sense the mobile communication having experienced a rapid changed in altitude position.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hayes, Jr. (U.S. 5,726,636).
- Hansson (U.S. 6,323,775).

- Koizumi (U.S. 6,678,538).
- Hasegawa (U.S. 6,956,488).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: May 22, 2006